

# West Jefferson County Community Task Force



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October 19, 2004

Metro Louisville Air Pollution Control District  
Mr. Art Williams, Director  
850 Barret Ave.  
Louisville, KY 40204-1745

Dear Mr. Williams:

The Board of the West Jefferson County Community Task Force (“the Board”) has reviewed comments on the Strategic Toxic Air Reduction (“STAR”) program posted on the Air Pollution Control District’s website. We submit the following perspective and position on several key aspects of the current public dialogue, particularly the suggestion that a multi-stakeholder process for negotiated rulemaking should be convened. The comments provided herein reflect consensus of the Board members who are signatories to this correspondence.

## **Background**

For almost a decade, the Task Force has conducted its business as a collaborative, multi-stakeholder group comprised of representatives from industry, neighborhoods, the community at large, government officials, and academics. Countless volunteer hours, including those of industry representatives, have been spent on evening meetings. This effort was actually precipitated in 1996 as a response to community concerns over surface water quality in western Louisville. The Task Force’s response was development of an action agenda (presented to elected officials in September 1996) to address air, water, and land pollution and the community’s right-to-know. Although that multi-media action agenda is still our guiding document, the Task Force’s primary focus has been on gathering data—valid, verifiable data—to resolve the compelling public question as to whether or not excessive human health risks (cancer and non cancer) are present from ambient concentrations of a select group of air toxics.

The compelling public question has been answered. In May 2003, a year and a half ago, the *West Louisville Air Toxics Study* was announced to the public in a standing room only crowd at Jay’s Cafeteria. The data show that there are excessive cancer and non cancer risks to the health of people from ambient air toxics concentrations when

evaluated using negotiated target risk levels accepted at that time by the participating industry representatives (some of whom now deny the appropriateness of the specific target risk levels). Additionally, these risks are community wide, not just in the western or southwestern Metro area.

### **The STAR Program Should Be Adopted**

The Board commends and urges the Air Pollution Control District, its governing Board, and Mayor Abramson to proceed with adoption of the STAR program. We are concerned that convening a “negotiated rulemaking” process will preclude timely implementation of measures that will reduce demonstrated risks to the health of Louisvillians.

Further, the Board does not understand comments from the larger affected companies that they have been subjected to “regulatory ambush,” that industrial sources constitute a “small fraction” of overall community health risks from air pollution, and that many industries were caught by surprise by the program and/or are unequipped to appropriately analyze and respond to the program.

The individual industrial companies that have responded to the STAR program thus far are primary, subsidiary, or joint venture companies that had combined annual worldwide sales in 2003 of **\$354,000,000,000 (\$354 billion, U.S.\$) and employed 780,000 people worldwide** (see Attachment 1). They are sophisticated companies with global operations, including operations in areas such as Europe where social and environmental demands of business often exceed those experienced in the U.S.

A review of the corporate websites for these companies reveals that the majority claim active participation in voluntary, international industry codes of conduct. These codes of conduct include the International Council of Chemical Associations’ and American Chemistry Council’s “Responsible Care®” program and the International Organization for Standardization (“ISO”) 14001 standard for environmental management systems.

The guiding principles of these voluntary codes of conduct represent a commitment to shareholders, communities, customers, and suppliers to:

- Continually improve environmental performance in the context of community concerns and **“appropriate to the nature, scale, and environmental impacts of their actions** (emphasis added).”
- Seek **and incorporate public input** regarding their operations.
- Continually improve performance toward the vision of doing **no harm to the environment**.
- **Lead** in the development of responsible laws, regulations, and standards that **safeguard the community**.
- **Assist others** to adhere to Responsible Care® principles and practices.

In the opinion of the Board, it is a fundamental departure from these commitments to argue, as many of the commenters have, that **current or future compliance with federal environmental requirements completely discharges their obligations to local citizen constituencies**. The STAR program is a responsible, technically supportable local approach to a compelling local public health problem. With all due respect to plant and environmental managers and other responsible corporate officials who are on the front line, it should be obvious that one can no longer view national standards as a ceiling on regulatory responsibilities, nor can they be unmindful of social, cultural, and environmental concerns in the communities where they do business. Further, remaining on the sideline when political pressures render other sources of air pollution unaccountable for risks to community health may no longer be an option. Indeed, the Board is interested that future amendments to an adopted STAR program address mobile and area sources of air toxics and believe that industrial sources can play a meaningful leadership role in that community dialogue.

The predictions of the loss of jobs and business as a result of the STAR program are not viewed lightly by the Board. However, we note that not one of the companies submitting comments quantified or even attempted to quantify the impacts to their operations. To its credit, only one company that submitted comments indicated that it had conducted preliminary compliance calculations to actually determine which pollutants could be subject to emission reductions. Nor has any company in the entire Metro area voluntarily offered to conduct its own fence-line emissions monitoring to develop data about its contributions to ambient air toxic emissions.

### **Closing**

In closing, the Board urges the District, its governing Board, and Metro Louisville to proceed with adoption of the STAR program. The Board intends to remain at our Nia Center table each month and encourages the industry representatives to continue to participate with us in achieving what we certainly all desire—a high quality of life and vital economy.

Respectfully submitted,

Bobby Hickey, President  
Carl Hilton, Vice President  
Norm Robinson, Treasurer  
Leslie E. Barras, Secretary  
Peggy Bolton  
Ann Hagan-Grigsby  
Waddell McGee

copy: Mayor Jerry Abramson  
Bruce Traugher  
Beverly Banister, USEPA

## ATTACHMENT 1

<b>Company<sup>1</sup></b>	<b>Worldwide Employees (2003)</b>	<b>Worldwide Sales (2003, U.S. \$\$)</b>
Arkema, a company of ATOFINA ( <a href="http://www.atofina.com">www.atofina.com</a> ) <sup>2</sup>	61,200	\$ 35,000,000,000
American Synthetic Rubber Co., a <i>Compagnie Générale des Établissements Michelin</i> plant (“Michelin”), <a href="http://www.michelin.com">www.michelin.com</a>	127,210	\$ 19,292,000,000
Borden Chemicals, <a href="http://www.bordenchem.com">www.bordenchem.com</a>	2,400	\$ 1,400,000,000
DuPont-Dow Elastomers, joint venture of DuPont and Dow Chemical:		
DuPont, <a href="http://www.dupont.com">www.dupont.com</a>	81,000	\$ 27,000,000,000
Dow Chemical, <a href="http://www.dow.com">www.dow.com</a>	46,000	\$ 33,000,000,000
DuPont	See DuPont data above	See DuPont data above
Engelhard Corp., <a href="http://www.engelhard-clal.com">www.engelhard-clal.com</a> <sup>3</sup>	2,000	\$ 2,000,000,000
GE Consumer and Industrial, a business unit of GE, <a href="http://www.ge.com">www.ge.com</a>	300,000	\$133,000,000,000
LGE, a company of E ON, <a href="http://www.eon.com">www.eon.com</a>	67,000	\$ 57,000,000,000
Noveon, <a href="http://www.noveon.com">www.noveon.com</a>	2,800	\$ 1,100,000,000
Oxy Vinyls, joint venture of OxyChem and PolyOne Corp.:		
OxyChem, <a href="http://www.oxychem.com">www.oxychem.com</a>	7,100	\$ 9,000,000,000
PolyOne, <a href="http://www.polyone.com">www.polyone.com</a>	6,550	\$ 2,000,000,000
PPG Architectural Finishes, a business unit of PPG Corp., <a href="http://corporate.ppg.com">http://corporate.ppg.com</a>	32,900	\$ 9,000,000,000
Rohm & Haas, <a href="http://www.rohmhaas.com">www.rohmhaas.com</a>	17,300	\$ 6,400,000,000
Solae, dba DuPont Soy Polymers	See DuPont data above	See DuPont data above
Texas Gas Transmission, a subsidiary of Loews Corp., <a href="http://www.loews.com/loews.nsf">www.loews.com/loews.nsf</a>	22,700	\$ 17,000,000,000
Zeon Chemicals, a company of Zeon Corp., <a href="http://www.zeon.co.jp/index_e.html">www.zeon.co.jp/index_e.html</a>	2,900	\$ 1,800,000,000
<b>TOTAL</b>	<b>779,060</b>	<b>\$353,992,000,000</b>

<sup>1</sup> Click on “Investor Relations” in identified websites; also see [www.hoovers.com](http://www.hoovers.com).

<sup>2</sup> Data are from 2002 financial reports.

<sup>3</sup> Data are from 2000 financial reports.